



LOUDOUN COUNTY AGRICULTURAL AND FORESTAL DISTRICT PROGRAM FREQUENTLY ASKED QUESTIONS (FAQ's)

The Agricultural and Forestal District (“AFD”) Program is a program that allows for the creation of Districts, each of which is a voluntary aggregation of land holdings that totals at least 200 acres in one parcel or several contiguous parcels. The Virginia General Assembly created the AFD program through the Agricultural and Forestal Districts Act (“AFDA”) in 1977. The relevant portion of the state code is §§15.2-4300 through 15.2-4314. The Virginia Code characterizes the purpose of an AFD program as a means to “...conserve, protect and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products, and conserve and protect agricultural and forestall lands as valued and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes (§15.2-4301).” Please find below a list of frequently asked questions and answers.

What is an Agricultural and Forestal District?

AFD’s are rural conservation zones reserved for the production of agricultural products, timber and the maintenance of open space land as an important economic and environmental resource. Districts are voluntary. They are initiated by a landowner or group of landowners as a mutual undertaking with the local government.

By establishing a District, property owners agree not to convert their farm, forestland and other open space lands to more intense commercial, industrial or residential uses for a term of four (4) to ten (10) years. In return, the County and Commonwealth agree not to take actions or make infrastructure investments that will place increased pressure on landowners to convert land in the district to more intense land uses during the term of the District.

What benefits come from being in an AFD?

- First, belonging to an AFD guarantees you will have land use value taxation, provided you meet the land use eligibility requirements, even if the County rescinds its land use program.
- Second, the district safeguards the rural character of the community by preserving agricultural and forestal land. It helps to continue rural uses of the land by strengthening the community with common goals and concerns.
- Besides these benefits, AFD’s offer some protection from eminent domain. Acquisition of land for power lines, roadways, and other infrastructure within a District is subject to a special public review process. Also the expenditure of public funds for non-farm related purposes in an AFD is subject to special review process.
- Finally, local governments may not enact laws within a district that would unreasonably restrict farm structures, farming or forestry practices unless the restrictions are directly related to health, safety and welfare.

How do I join an AFD?

Any interested landowner may obtain an application for the creation of or the addition to an AFD from the Department of Economic Development by calling (703) 777-0426, by emailing ded@loudoun.gov or online at <http://www.loudoun.gov/index.aspx?nid=2471>. Interim addition applications are accepted through June 1 of each calendar year.

Is acceptance into an AFD automatic once an application is submitted?

No. The program administrator in the Department of Economic Development reviews all applications for completeness. The program administrator refers the applications to the Agricultural District Advisory Committee ("ADAC"), the Planning Commission ("PC") and the Board of Supervisors ("BOS"). The ADAC, PC and BOS review applications in accordance with criteria listed in the State Code (§15.2-4306) and criteria approved by Loudoun County. The ADAC gives its recommendation to the PC. After holding a public hearing on the applications, the PC forwards its recommendations to the BOS. The BOS holds a final public hearing and makes the decision to accept or deny the applications. This decision must not exceed 180 days. In Loudoun County this process takes approximately 120 days to complete and involves the three (3) meetings as outlined above.

Who is the Agricultural District Advisory Committee?

The ADAC consists of ten (1) individuals appointed by the BOS. It must include four (4) landowners actively engaged in farming or forestry within the locality, four (4) other landowners from within the locality, a member of the governing body (BOS) and the Commissioner of the Revenue or the chief property assessment officer for the locality.

Do I have to be in an AFD in order to farm my land, have livestock, etc.?

No. The Zoning Ordinance governs the uses of your property. Enrollment in an AFD provides some additional right-to-farm protections beyond what the zoning may permit.

Does a landowner have to put all of his land into a District?

A landowner may leave some of his property out of the district. The portion to be left out should be clearly marked on a map, prescribed by the locality (GIS), clearly showing the boundaries of the property and which acreage is to be included in the District.

Does being in an AFD reduce my taxes?

No. Loudoun County has a Land Use Assessment Program that provides for the deferral of real estate taxes on properties that qualify for agricultural, horticultural, forestry or open space uses. For information on the Land Use Assessment Program, please contact the Office of the County Assessor at 703-777-0267.

What is the relationship between the AFD program and open space classification of the Land Use Assessment Program?

There is currently a moratorium on parcels qualifying for the open space classification of the Land Use Assessment Program through inclusion in an AFD. For information on the Land Use Assessment Program, please contact the Office of the County Assessor at 703-777-0267.

Do I need to be in an AFD to qualify for the agricultural, horticultural or forestry categories of the Land Use Assessment Program?

No. The Land Use Assessment Program is a separate program from the AFD program. A landowner must apply and qualify separately for the Land Use Assessment Program and must meet certain qualifying criteria. However, should the County ever rescind its Land Use Assessment Program, those enrolled in an AFD would be eligible for land use assessment under the State's program, provided the parcel meets land eligibility requirements. For information on the Land Use Assessment Program, please contact the Office of the County Assessor at 703-777-0267.

Will continuation in an AFD affect my Land Use Assessment Program eligibility?

There is currently a moratorium on parcels qualifying for the open space classification through inclusion in an AFD. If you qualify for the Land Use Assessment Program through the agricultural, horticultural or forestry classifications, you do not have to be enrolled in an AFD to receive a tax deferral. For information on the Land Use Assessment Program, please contact the Office of the County Assessor at 703-777-0267.

Can land be withdrawn from an AFD?

Property owners may remove their land from an AFD as a matter of right at the time the District is being reviewed by the Board of Supervisors for renewal. Between renewal periods, landowners may apply to withdraw from District based on death of a landowner or "good and reasonable cause." An applicant must submit a written request to withdraw and a \$500 fee to the program administrator. The ADAC and PC review the withdrawal requests and make recommendations to the BOS. The BOS makes the final determination concerning early withdrawal. Please contact the program administrator for withdrawal inquiries.

If I sell my property, do I need to advise the new owner that the property is in the District?

Yes. The AFD program encumbers the land. Selling or transferring ownership does not remove the encumbrance. It is very important that the new owner understand they are bound to the same restrictions and will receive the same benefits of all property in the District. Many new buyers think they can subdivide and then learn they cannot due to restrictions imposed by inclusion in the District. They may incur expensive subdivision costs with no chance of completing the division until the District term expires.

Can land within an AFD be subdivided?

Land in an AFD can be subdivided provided it meets the District's requirements. The ordinance for each AFD lists the term limit (date of enactment and date of review and renewal), the subdivision minimum size for parcels enrolled in the district and any other conditions applicable to parcels in the district. The subdivision minimum defines the minimum size of any parcel that may be created by boundary line adjustments of subdivision while enrolled in the AFD program.

Please consider the term limits, subdivision requirements and other conditions carefully. If you are considering subdividing your land (through clustered development), or a boundary line adjustment that would result in a parcel below the subdivision minimum, you should consider making the adjustments prior to joining the District. Once in a District, those landowners seeking to subdivide or move a boundary line must adhere to the subdivision minimum listed for each District, or make an official request to withdraw from the District. Approval of a withdrawal during the middle of a term requires a \$500 fee and is not guaranteed.

Please consult the ordinances and/or the program administrator for more information regarding program restrictions.

**FOR MORE INFORMATION ON THE AFD PROGRAM IN LOUDOUN COUNTY,
PLEASE CONTACT THE DEPARTMENT OF ECONOMIC DEVELOPMENT
BY CALLING (703) 777-0426,
BY EMAILING DED@LOUDOUN.GOV
OR DOWNLOAD THE APPLICATION ONLINE AT
<http://www.loudoun.gov/index.aspx?nid=2471>**